S.B. Civil Sec. Appeal No.398/04
LR's of Sohan Singh & Ors. Vs. Mewada Kshetriya Samaj, Jodhpur

Date of order : 05.01.2007

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Suresh Shrimalee for the appellant.
Mr. J.R. Patel for the respondents.

Heard.

In the written statement it is clearly stated that the plaintiff is not entitled to receive rent as property is not in his proprietary. The appellant is a tenant. The rent receipts have been issued by the plaintiff. The defendant appellant submits that the tenant is not entitled to receive rent. The denial of the appellant in its written statement that the plaintiff is not entitled to receive rent tentamounts to denial of title and has rightly been held by the First Appellate Court.

Learned counsel for the appellant raised question about the registration of the trust. The findings of the trial court were against the appellant that trust was not required to be registered. No appeal or cross objection was filed by the appellant. That finding has become final. That question now cannot be raised. Therefore, this arguments of the learned counsel for the appellant is also rejected.

No question of law emerges out of the arguments raised, no force in the appeal, the appeal is dismissed.

(BHAGWATI PRASAD), J.

ns.